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In re Application of : **OFFICE OF PETITIONS**
Scheurich et al. :
Application No. 09/083,601 : ON PETITION
Filed: May 22, 1998 :
Attorney Docket No. ITL.0045US :

This is a decision on the petition under 37 CFR 1.181, filed October 26, 2005, to withdraw the holding of abandonment.

The petition is **granted**.

The above-identified application was deemed abandoned for failure to reply in a timely manner to the non-final Office action mailed February 3, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application was deemed abandoned as of midnight on May 3, 2005. A Notice of Abandonment was mailed on August 24, 2005.

Petitioner contends a reply to the February 3, 2005 Office action was timely mailed in compliance with 37 CFR 1.8 on May 3, 2005.

A review of the electronic file wrapper indicates the presence of the May 3, 2005 reply. The Office assumes the reply was misplaced and was not matched with the file until after the Notice of Abandonment was mailed.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2613 will be notified of the instant decision so that the examiner may consider the merits of the May 3, 2005 reply in due course.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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Office of Petitions